IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 135 OF 2003

IN

SUMMARY SUIT NO. 4919 OF 2000

M/s. Weizmann Fincorp Limited ..Plaintiff

versus

Mr. Bhavesh K. Ved & Anr. ..Defendants

Nipa Pandya i/b. Mahesh Menon & Co. for the Plaintiff.

Mr. Manoj Mohod i/b. Kotangale & Co. for the Defendants.

CORAM : D. G. DESHPANDE,J.

DATE : 29TH SEPTEMBER, 2004.

P.C. :

. Heard counsel for the plaintiff and defendants. Plaintiff Company had given finance to the defendants to purchase a computer. Defendants accordingly purchased a computer and issued number of cheques towards repayment of the loan, particulars of which are given in Exhibit 'A' to the plaint. All those cheques about 22 in number came to be dishonoured, therefore this suit is filed for recovering the sum of Rs.50,470/- with interest.

2. Counsel of the defendant states that within one week of purchase the supplier of the computer took away the computer and did not return the computer to the defendants. This is no defence so far as claim of the plaintiff company is concerned. If at all the defendants have any grievance they should have taken action against the supplier, firstly for taking away computer and secondly for not replacing it or substituting it by another piece. There is no explanation why all the 22 cheques came to be dishonoured. Therefore, in the circumstances conditional leave is granted to the defendants upon defendants depositing Rs.40,000/= in this court within a period of five weeks from today.

3. In the event of the defendants depositing the said amount, the suit to be transferred to the list of Commercial Causes. Written statement or points of defence to be filed within a period of eight weeks from today and affidavit of documents or list of documents within two weeks thereafter. Discovery or inspection of documents within two weeks thereafter. Suit to be placed on regular board for hearing thereafter.

4. In the event of the defendants depositing the amount of Rs.40,000/= in the court as aforesaid, the Prothonotary & Senior Master to invest the said

amount with a Nationalised Bank, initially for a period of three years and to renew the same thereafter for suitable periods until further orders of the court. Counsel for the plaintiff company to follow the investment order with the Prothonotary & Senior Master.

5. If the defendants fail to deposit the aforesaid amount in the court, liberty to the plaintiff to have the suit set down forthwith for exparte hearing. The summons for judgment disposed of.

*****